

BOARD OF ADJUSTMENT MINUTES

DATE: May 21, 2007



1ST FLOOR
NORTH CONFERENCE ROOM
CITY HALL

Type of Meeting: PUBLIC HEARING

Acting Chairman Tom Muncy called a regular meeting of the Board of Adjustment to order at 2:00 p.m. Mr. Smith read the opening statement explaining the functions of the Board of Adjustment. Everyone giving testimony regarding a case before the Board was duly sworn. Notice was previously mailed to all required parties.

BOARD MEMBERS PRESENT:

	Chair - Paul Smith.....	Absent
	Tom Muncy.....	X
	Beverly Robinson.....	X
	Richard Fort	Absent
	Robert Middlemas.....	X
Alternate	James Sheeler.....	X
Alternate	Lee McElrath.....	X

Due to the absence of the Chairman and Vice-Chairman, Mr. Muncy served as Acting Chairman for this public hearing.

CASE	STAFF PRESENTING CASE	GRANTED/DENIED/ CONTINUED
1. 2 Woodrow Place	Stuart Rohrbaugh	Granted
2. 1865 Hendersonville Road	Christine Logan	Continued to the June 25, 2007 meeting
3.		
4.		
5.		
6.		
7.		
8.		

Additional Information

STAFF PRESENT: Beverly Williams, Martha McGlohon, Stuart Rohrbaugh, Christine Logan

CASE # 1

ADDRESS: 2 Woodrow Place

PETITIONER: Greg Davis

PIN # 9649.14-24-8425

REQUEST: Petitioner is requesting a variance of Section 7-8-4 (f) (5) of the Unified Development Ordinance in order to construct an addition to an existing single-family residence on the above referenced property.

Variance:

1. Petitioner is requesting a side setback variance of five feet three inches (5'3") from the right side setback in lieu of the minimum required side setback of six feet. This request would allow the proposed addition to be nine inches from the right side property boundary line.

Background:

The lot is non-conforming due to lot size and lot width/frontage. The structure is also non-conforming (constructed sometime in the 1920's) where the entire right side of the home already encroaches within the required right side setback. A Development Application for the proposed addition was submitted and disapproved in March 2007 (#07-1409). The addition involves removal of the roof and construction of a second story. The design of the second story addition requires a new foundation wall which will encroach slightly closer to the right side property boundary than the existing foundation. A one story addition (approximate dimensions are 20' x 20') is also proposed to the rear portion of the home to replace an existing un-permitted addition. Portions of the proposed rear addition will also encroach into required side setback. Petitioner submitted this variance application to seek relief from the above referenced minimum setback requirements.

DISCUSSION: Stuart Rohrbaugh presented the case to the Board and presented for the Boards information Exhibit A through E (which are a part of the file).

Mr. Rohrbaugh also stated that the application includes putting a second story on the existing structure. The structure already encroaches and the second floor will also encroach. The entire right side of the home encroaches into the right side setback. The application for this addition was submitted and disapproved in March, 2007. The addition involves the removal of a room for the first floor and the addition for the second floor. The addition will be as close as 9 inches from the right side boundary line. The petitioner will have to build two new foundation walls. There will be a new foundation on the structure and the back of the structure to hold the second

floor addition. The addition on the house that was placed without permits will be removed. The existing addition was approximately 10 x 10. The deck was also an unapproved addition. The existing structure already encroaches within the required setback and the lot size is smaller than the surrounding properties. Many of the homes in this neighborhood, built around the same time period, also encroach within a required setback.

Staff recommended that the requested setback variance be denied.

Mr. Davis addressed the Board and gave them a brief history of the house since he bought it five years. Mr. Davis stated he had informed all his neighbors of his plans and they are in support of the additions.

Opened Public Hearing: 2:05 p.m.
Closed Public Hearing: 2:35 p.m.

Motion: Beverly Robinson moved to grant as requested	2 nd By: James Sheeler	VOTE:
		5 – 0
Paul Smith		Absent
Tom Muncy		Aye
Robert Middlemas		Aye
Beverly Robinson		Aye
Richard Fort		Absent
James Sheeler		Aye
Lee McElrath		Aye
The variance was granted		

CASE # _2_

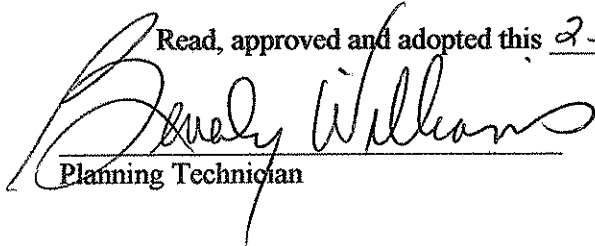
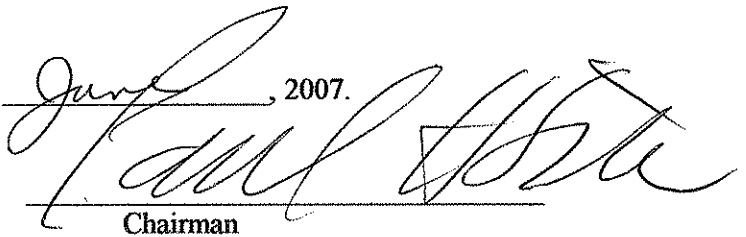
ADDRESS: 1865 Hendersonville Road
PETITIONER: Ingles Market, Agent John Caputo
PIN # 9655 09-15-5659

REQUEST: The Agent for the petitioner requested this case be continued to the June 25, 2007 meeting.

Motion: Lee McElrath moved to continue the case to the next meeting date of June 25, 2007	2 nd By: Robert Middlemas	VOTE:
		5 – 0
Paul Smith		Absent
Tom Muncy		Aye
Robert Middlemas		Aye
Beverly Robinson		Aye
Richard Fort		Absent
James Sheeler		Aye
Lee McElrath		Aye

Additional Information
OTHER BUSINESS:
MEETING:
ADJOURNED: 2:50 p.m.

Read, approved and adopted this 25 day of June, 2007.

Planning Technician
 Chairman